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Attorney Docket No. 10391/003001
034IE/PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECHNICAL 1600/2900

RCE/1600

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IN RE APPLICATION OF:

Ignatious et al.

APPLICATION NO.: 09/171,740

FILED: April 20, 1999

FOR: SUSTAINED RELEASE IONIC
CONJUGATE

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

: EXAMINER: Todd Ware

: ART UNIT: 1615

:

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:

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I hereby certify under 37 CFR
1.8(a) that this correspondence is
being deposited with the United
States Postal Service as first class
mail with sufficient postage on the
date indicated below and is
addressed to the Assistant
Commissioner of Patents, Washington,
D.C. 20231.

Date of Deposit August 15, 2002

Alan F. Feeney

TRANSMITTAL LETTER AND FEE AUTHORIZATION

Transmitted herewith is a Transmittal Letter and Fee Authorization (2 copies), Response to Notice of Improper Request for Continued Examination (RCE), Copies of Applicants' July 1st Filing including the Transmittal Letter and Fee Authorization, a Petition for Extension of Time and Fee Authorization, a Request for Continued Examination (RCE) and Fee Authorization, a 3rd Supplemental Information Disclosure Statement and Authorization to Charge Deposit Account with Form PTO-1449, the Return Postcard Affixed with the OIPE date stamp, and a Notice of Improper Request for Continued Examination (RCE) mailed July 18, 2002, with a Certificate of Mailing certifying submission of the copies of Applicants' July 1st filings together with an acknowledgement postcard.



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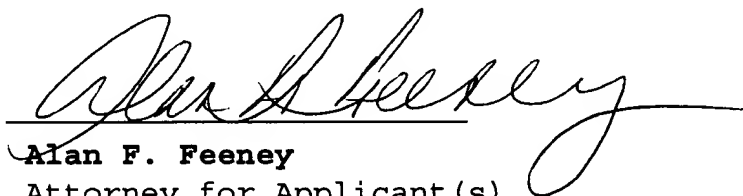
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Applicant(s) hereby authorize the Assistant Commissioner to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Date:

8/15/2002



Alan F. Feeney

Attorney for Applicant(s)
Reg. No. 43,609

Biomeasure Inc.
27 Maple Street
Milford, MA 01757-3650
(508) 478-0144



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Certificate of mailing by first class mail (37 CFR 1.8)
Applicant(s): Ignatious et al.

Docket No.
10391/03001
034/IE/PCT/US

Serial No.	Filing Date	Examiner	Group Art Unit
09/171,740	April 20, 1999	Todd Ware	1615

Invention:

SUSTAINED RELEASE IONIC CONJUGATE

I hereby certify that Copies of Applicants' July 1st, 2002 Filing consisting of: the Transmittal Letter and Fee Authorization, a Petition for Extension of Time and Fee Authorization, a Request for Continued Examination (RCE) and Fee Authorization, a 3rd Supplemental Information Disclosure Statement and Authorization to Charge Deposit Account with Form PTO-1449, Return Postcard Affixed with the OIPE Date Stamp of July 8, 2002, and the Notice of Improper Request for Continued Examination (RCE) mailed July 18, 2002 are being deposited with the United States Postal Service as first class mail in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

on

8/15/2002
(Date)

Alan F. Feeney

(Typed or Printed Name of Person Mailing Correspondence)


(Signature of Person Mailing Correspondence)

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Initials: AFF/kal Docket No.: 034/IE/PCT/US Date: July1, 2002

X Transmittal Letter and Fee Authorization

X Petition for Extension of Time and Fee Authorization

X Request for Continued Examination (RCE) and Fee Authorization

X 3rd SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT and
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT (2 copies)

X Form PTO-1449 (one page) with copies of references noted thereon
All of the above with a Certificate of Mailing

Applicant(s): F.X. Ignatious *et al.*

Application No.: 09/171,740

Filed April 20, 1999

Title: SUSTAINED RELEASE IONIC CONJUGATE

Date received: [REDACTED]





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BIOMEASURE INC. PATENT
AUG - 1 2002
RESPONSE DUE _____
DOCKETED BY _____



BIOMEASURE INCORPORATED
Patent Dept.
27 Maple Street
Milford, Massachusetts 01757-3650
BIOMEASURE REF. NO.:
034/1E/PCT/US





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Attorney Docket No. 034/IE/PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
Francis Xavier Ignatious et al.

EXAMINER: T. Ware
ART UNIT: 1615

APPLICATION NO.: 09/171,740

FILED: April 20, 1999

FOR: **SUSTAINED RELEASE IONIC
CONJUGATE**

I hereby certify under 37 CFR 1.8(a) that this
correspondence is being deposited First Class Mail
the date indicated below and is addressed to the
Assistant Commissioner of Patents, Washington, D.C.
20231.

Date of Deposit

Alan F. Feeney

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL LETTER AND FEE AUTHORIZATION

Transmitted herewith is a and a Petition for Extension of Time (2
copies), under 37 C.F.R. 1.136(a), with Authorization to Charge Deposit
Account for extending the period for filing a Response to the Final
Office Action mailed February 11, 2002; a Request for Continued
Examination under 37 C.F.R. 1.114, with Authorization to Charge Deposit
Account for the fee set forth in 37 C.F.R. 1.17(e); the 3rd Supplemental
Information Disclosure Statement together with Form PTO-1449 and copies
of the references noted therein; and an acknowledgement postcard.

Applicant(s) hereby authorized the Assistant Commissioner to
charge any other fees that may be deemed to be due or to credit any
overpayments to Deposit Account 50-0590. A duplicate copy of this
letter is transmitted herewith.

Respectfully submitted,
Biomeasure Inc.

Date: 7-1-2002
27 Maple Street
Milford, MA 01757-3650
Phone (508) 478-0144

Alan F. Feeney
Alan F. Feeney
Attorney for Applicant(s)
Reg. No. 43,609

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/171,740
Filing Date	April 20, 1999
First Named Inventor	F.X. Ignatious
Art Unit	1615
Examiner Name	T.D. Ware
Attorney Docket Number	034/IE/PCT/US

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This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995.

1. **Submission required under 37 CFR §1.114**a. ☐ Previously submittedi. ☐ Consider the amendment(s)/reply under 37 CFR §1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____iii. ☐ Other _____b. ☒ Enclosedi. ☐ Amendment/Replyiii. ☒ Information Disclosure Statement (IDS)ii. ☐ Affidavit(s)/Declaration(s)iv. ☐ Other _____2. **Miscellaneous**a. ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of _____ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR §1.17(i) required)b. ☐ Other _____3. **Fees** The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0590 for fee \$740.00i. ☒ RCE fee required under 37 CFR §1.17(e)ii. ☒ Extension of time fee (37 CFR §§1.136 and 1.17)iii. ☐ Other _____b. ☐ Check in the amount of \$ _____ enclosedc. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Alan F. Feeney	Registration No. (Attorney / Agent)	43,609
Signature		Date	

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark

Name (Print / Type)		Date	7-1-2002
Signature	<i>Alan F. Feeney</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/171,740	04/20/1999	FRANCIS XAVIER IGNATIUS	10391/003001	8400

7590 07/18/2002

BRIAN R. MORRILL, ESQ.
BIOMEASURE INC
27 MAPLE STREET
MILFORD, MA 01757-3650

EXAMINER

WARE, TODD

ART UNIT PAPER NUMBER

1615

DATE MAILED: 07/18/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

BIOMEASURE REF. NO.:

034/1E/PG/US

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BIOMEASURE INC. PATENT DEPT.	
JUL 22 2002	
RESPONSE DUE	_____
DOCKETED BY	_____

cc: Anne Ryan & Co.
File Ref. No.

098-194-US/AR/1W

CC: FISH REF. NO.:

0391 - 003 001



APPLICATION NUMBER

FILED DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE



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DATE MAILED:
7-8-02

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 7-8-02 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Yelena Chackwal, Examining Group 1600

(703) 30

FORM PTO-2051 (Rev. 3/2001)

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Large Entity)**

Docket N .
034/IE/PCT/US

In R Application Of: F.X. Ignatious et al.

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Serial No.
09/171,740

Filing Date
April 20, 1999

Examiner
T.D. Ware

Group Art Unit
1615

Invention:

SUSTAINED RELEASE IONIC CONJUGATE



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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of February 11, 2002 above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month ☒ Two months ☐ Three months ☐ Four months ☐ Five months

from: May 11, 2002 until: July 11, 2002
Date Date

The fee for the extension of time is \$400 and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-0590
A duplicate copy of this sheet is enclosed.
☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-0590
A duplicate copy of this sheet is enclosed.

Signature

Dated: 7/1/2002

Alan F. Feeney
Attorney for the Applicant(s)
Reg. No. 43,609

I certify that this document and fee is being deposited on July 1, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Alan F. Feeney
Typed or Printed Name of Person Mailing Correspondence

CC: